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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.418 OF 2005

Globe Private Detective Bureau (Regd.) ... Petitioner

Vs.

Maharashtra Housing and Area Development Board & Ors. ... Respondents

Mr. M.C. Shah i/b Mr. R. R. Sharma for the petitioner.

Mr. R.M. Sawant, A.G.P. for respondents 1 to 4.

Mr. R.D. Suvarna for respondent 6.

Mr. T.R. Patil i/b Mr. D.R. Singh for respondent 7.

CORAM: SMT. RANJANA DESAI &
ABHAY S. OKA, JJ.

DATED: 22ND NOVEMBER 2005.

P.C.:-

1. The petitioner has, inter alia, sought a direction calling upon respondents 1, 2, 3 and 4 to refrain from and/or desist from allowing respondents 5, 6 and 7 to accept and/or to continue with the tender work, acting contrary to the terms and conditions of the tender document as well as acting mala fide against the statutory obligations conferred on them as 'public servants' and in discharging of their duty as 'public servants' in accepting and/or proposing to accept the said offers of respondents 5, 6 and 7, for the tender work as said offers are against the principles of fair-play and natural justice.

2. We have heard the learned counsel for the petitioner. Several allegations of mala fides have been made in the petition. We notice that on 19/1/2004, respondent 1 advertised a tender notice in the newspapers. On 16/2/2004, the tender was opened and, after all the formalities were completed on 31/12/2004, the tender was awarded to (1) Bombay Intelligence Security (India), (ii) M/s. Vishal Protection Force and (iii) M/s. Singh Security Services. The petition is filed after the tender has been awarded. It appears to us that the tender has been awarded in favour of (1) Bombay Intelligence Security (India), (ii) M/s. Vishal Protection Force and (iii) M/s. Singh Security Services after evaluation of the tender documents because they are better equipped to discharge the function of the security guards. In such circumstances, we are unable to interfere with the allotment of the tender.

3. Besides we find that one Jai Bhavani Security Services India Pvt. Ltd. had filed Writ Petition No.3147 of 2004 challenging the same tender. By speaking order dated 2/12/2004, the said petition was dismissed. While dismissing the petition, this court observed that the petitioner therein i.e. Jai Bhavani Security Services India Pvt. Ltd. has not furnished affidavit stating that no penal action has been imposed on the agency though it was required by respondents 1 and 2. From the evaluation note, to which our attention has been

drawn by Mr. Sawant, we find that even the present petitioner has also not furnished any affidavit stating that no penal action has been imposed on the agency. Since on the same consideration, the petition filed by Jai Bhavani Security Services India Pvt. Ltd. has been dismissed, we are unable to entertain this petition.

4. We may note that the learned counsel for the petitioner has made a grievance that the evaluation note to which Mr. Sawant, the learned A.G.P. for respondents 1 to 4 has made a reference, was not supplied to him and it was tendered across the bar. Assuming the evaluation note was not shown to the petitioner, that would make no difference, because even otherwise in view of the fact that the tender has already been awarded, we find no sound grounds for entertaining this petition. The petition is rejected.

(SMT. RANJANA DESAI, J.)

(ABHAY S. OKA, J.)